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with immunity from liability to the owners of property damaged thereby is denied in *Louisville & N. T. Co. v. Lellyett* (Tenn.) 1 L. R. A. (N. S.) 49, and *Gossett v. Southern R. Co.* (Tenn.) 1 L. R. A. (N. S.) 97. The effect of legislative authority upon liability for a private nuisance is the subject of a note to these cases. See note to Townsend case, *ante*, p.

Physicians and Surgeons—Liability—Operation without Consent of Patient.—A surgeon who had undertaken to perform an operation upon a patient's right ear is held, in *Mohr v. Williams* (Minn.) 1 L. R. A. (N. S.) 439, to be liable for injuries resulting from the performance of an operation on her left ear, which he deemed to be in greater need of an operation than the right ear, unless he had her express or implied consent; and whether she had impliedly consented was a question for the jury. A note to this case discusses the question of liability of physical performing surgical operation without consent.

Agency—Undisclosed Principal—Contract in Name of Agent.—The right of an agent, in the absence of objection by the principal, to enforce a contract made in his own name for an undisclosed principal, is upheld, in *Shelby v. Burrow* (Ark.) 1 L. R. A. (N. S.) 303, notwithstanding that the signature to the contract was actually affixed by a sub-agent.

General Assembly—Right to Appropriate Money.—The validity of legislative appropriation of money to pay the expense of attendance by the whole body of the Pennsylvania legislature on an excursion to New York to attend the dedication of the Grant monument is upheld in *Russ v. Com.* (Pa.) 1 L. R. A. (N. S.) 409.

Railroad Crossings—Signals—Overhead Bridges.—An overhead bridge crossing of a highway is held, in *Johnson v. Southern P. R. Co.* (Cal.) 1 L. R. A. (N. S.) 307, to be within a statute requiring signals to be given when a train approaches a place where the railroad crosses a highway. But the Virginia supreme court decided the contrary in a recent case. *Norfolk, etc., R. Co. v. Scruggs*, 52 S. E. 834.

Removal of Causes.—The state, and not the Federal, court, is held, in *Illinois C. R. Co. v. Houchins* (Ky.) 1 L. R. A. (N. S.) 375, to be the proper tribunal to determine the question of the right to remove to the latter an action begun in the former, against a non-resident railroad company and its resident employee jointly.

A nonresident joined as defendant in an action to recover damages for negligence is held, in *Illinois C. R. Co. v. Coley* (Ky.) 1 L. R. A. (N. S.) 370, to have no right to a removal of the case to the Federal court by putting in issue the fact of negligence on the part of his co-defendant.